

**E-FILED**

1 BARRY J. PORTMAN  
Federal Public Defender  
2 CYNTHIA C. LIE  
Assistant Federal Public Defender  
3 160 West Santa Clara Street, Suite 575  
San Jose, CA 95113  
4 Telephone: (408) 291-7753

5 Counsel for Defendant PORTER

6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, )

11 Plaintiff, )

12 vs. )

13 JOKAELLE PORTER, )

14 Defendant. )  
15

No. CR-07-70081 PVT

STIPULATION, WAIVER AND  
16 ~~PROPOSED~~ ORDER CONTINUING  
PRELIMINARY HEARING AND  
EXCLUDING TIME FOR INDICTMENT

16 **STIPULATION AND WAIVER**

17 The parties hereby stipulate and agree that the date of March 1, 2007 currently set for  
18 preliminary hearing and/or arraignment may be continued for two weeks to March 15, 2007, at  
19 9:30 a.m. Mr. Porter, by his signature below, further consents to extend by two weeks the time  
20 for preliminary hearing under Rule 5.1 of the Federal Rules of Criminal Procedure. The purpose  
21 of the requested continuance is to permit the defense to investigate Mr. Porter's prior record and  
22 to facilitate the parties' efforts to reach a pre-indictment resolution. The parties further agree that  
23 the intervening two weeks may be excluded from the time within which an indictment shall be  
24 filed, as the reasonable time necessary for effective defense preparation under 18 U.S.C.  
25 §3161(h)(8)(A) and (B)(iv).  
26

1 Dated: February 22, 2007

2 s/  
3 CYNTHIA C. LIE  
4 Assistant Federal Public Defender

5 Dated: February 22, 2007

6 s/  
7 JOKAELLE PORTER  
8 Defendant

9 Dated: February 23, 2007


10 s/  
11 THOMAS M. O'CONNELL  
12 Assistant United States Attorney

13 ~~PROPOSED~~ ORDER

14 Good cause appearing and by stipulation of the parties, it is hereby ordered that the date  
15 set for preliminary hearing and/or arraignment in the above-captioned matter shall be continued  
16 from Thursday, March 1, 2007 to Thursday, March 15, 2007 at 9:30 a.m.

17 It is further ordered that 14 days shall be excluded from the time within which an  
18 indictment shall be filed under the Speedy Trial Act, as the reasonable time necessary for  
19 effective preparation of counsel, pursuant to 18 U.S.C. §3161(h)(8)(A) and (B)(iv).

20 Dated: February 24, 2007

21   
22 PATRICIA V. TRUMBULL  
23 United States Magistrate Judge